

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**IN RE: SKI TRAIN FIRE IN KAPRUN AUSTRIA  
ON NOVEMBER 11, 2000**

**This document relates to the following cases:**

**BLAIMAUER , et al,** **Plaintiffs,**

- and -

**OMNIGLOW CORPORATION, et al**                      **Defendants.**

**GEIER , et al,** **Plaintiffs,**

- and -

**OMNIGLOW CORPORATION, et al**                      **Defendants.**

**MITSUMOTO, et al,** **Plaintiffs,**

- and -

**REPUBLIC OF AUSTRIA, et al** **Defendants.**

**MITSUMOTO, et al,** **Plaintiffs,**

- and -

**ROBERT BOSCH CORP., et al** **Defendants.**

**STADMAN, et al,** **Plaintiffs,**

- and -

**AUSTRIAN NATIONAL TOURIST OFFICE, et al,  
Defendants.**

**FERK, et al,** **Plaintiffs,**

- and -

**OMNIGLOW CORPORATION, et al,**  
**Defendants.**

**Notice of Motion for Recusal Pursuant to 28 USC § 455 (a) Related to  
July 17, 2008 Motion by James Lowy & Robert Hantman for Attorneys' Fees**

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CASHIERS

**Civil Action #  
03-CV-8960 (SAS)**

**Civil Action #  
03-CV-8961 (SAS)**

**Civil Action #  
06-CV-2811 (SAS)**

**Civil Action #  
07-CV-935 (SAS)**

**Civil Action #  
07-CV-3881 (SAS)**

**Civil Action #  
07-CV-4104 (SAS)**

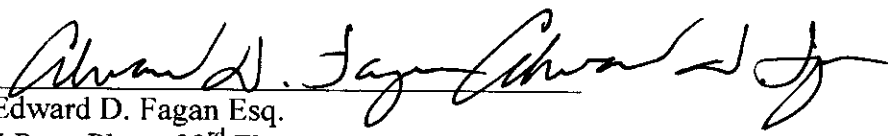
**PLEASE TAKE NOTICE** that Edward D. Fagan will move this Honorable Court, on a date as set by the Court, as soon as counsel can be heard, at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, NY 10007, Courtroom 15 C, before the Honorable Shira A. Scheindlin for the following relief:

- a. the Court's *sua sponte* recusal, pursuant to 28 USC § 455 (a), and in accordance with the Court's position that it will not hear or consider matters in which I am involved as an interested party and/or as counsel. *See December 28, 2007 Order entered in case entitled Fagan v. Lowy et al 1:07-cv-10293 (Doc. # 7);*
- b. a Stay of The Motions filed by Messrs. Lowy and Hantman, pending the Court's determination of its *sua sponte* recusal pursuant to 28 USC § 455 (a);
- c. a Stay of the requirement to file any responsive pleadings, by any interested parties, to The Motions, pending the Court's determination of its *sua sponte* recusal pursuant to 28 USC § 455 (a); and
- d. convening a Conference at which time issues can be addressed in open Court.

**PLEASE TAKE FURTHER NOTICE** that in support of this Edward Fagan will rely upon the annexed Declaration and Memorandum of Authorities.

**PLEASE TAKE FURTHER NOTICE** that opposition, if any, shall be filed in accordance with the Federal Rules of Civil Procedure, the Local Rules for the Southern District and such other date as may be set by the Court.

Dated: July 23, 2008

  
Edward D. Fagan Esq.  
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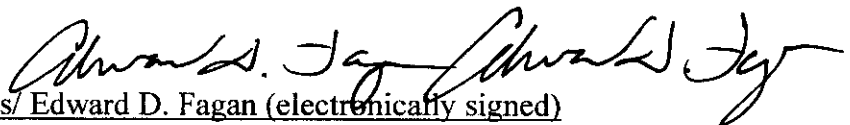
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused the within Notice of Motion For Miscellaneous Relief to be filed with the Clerk of the Court and a courtesy hard copy is being served upon all counsel of record in this case as per the attached service list.

A courtesy copy of the papers is being forwarded to the Hon. Shira A. Scheindlin USDJ.

Additional courtesy copies are being electronically, faxed and/or served and to counsel of record.

Dated: July 23, 2008  
New York, NY

  
/s/ Edward D. Fagan (electronically signed)

**Defendants' Counsel of Record in All Cases**

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**Notice to Certain Plaintiffs' Counsel of Record and/or Movants in July 16, 2008 Motion**

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